



Wisconsin Elections Commission

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May 2, 2022

Ieshuh Griffin
P.O. Box 72057
Milwaukee, WI 53212

City of Milwaukee Elections Commission
City Hall, 200 E Wells St. Room 501
Milwaukee, WI 53202

Sent via email: eyeforjustice@yahoo.com, and cwooda@milwaukee.gov

Re: In the Matter of Ieshuh Griffin v. City of Milwaukee Elections Commission (EL 22-02)

Ms. Griffin and the City of Milwaukee Elections Commission:

This letter is in response to the verified complaint submitted by Ieshuh Griffin (Complainant) to the Wisconsin Elections Commission (Commission) naming the City of Milwaukee Elections Commission as the Respondent. The complaint alleges that the Respondent violated the law and abused its discretion regarding its acceptance and review of the Complainant's nomination papers.

Complaints "...shall set forth such facts as are within the knowledge of the complainant to show probable cause to believe that a violation of law or abuse of discretion has occurred or will occur." Wis. Stat. § 5.06(1). Probable cause is defined in Wis. Admin. Code § EL 20.02(4) to mean "the facts and reasonable inferences that together are sufficient to justify a reasonable, prudent person, acting with caution, to believe that the matter asserted is probably true."

The Commission has reviewed the complaint, the response of the City of Milwaukee Elections Commission, the reply, and all supporting documentation. The Commission provides the following analysis and decision. In short, the Commission has determined that the Complainant has not shown probable cause to believe that a violation of law or abuse of discretion occurred with relation to the City of Milwaukee Election Commission's nomination paper process as described in this complaint.

Summary of Complaint Allegations, Response, and Reply

The Complainant alleges that the City of Milwaukee Elections Commission refused to give the Complainant's nomination papers a presumption of validity, refused to accept her affidavit and evidence of substantial compliance, gave her false and contradictory statements, waited until the "last minute" to determine that 172 signatures were not certified, made up "new rules" only applicable to her, accepted bribes, and denied due process.

The response denies all allegations in the complaint. The Respondent alleges that the Complainant submitted a total of 1,594 nomination signatures for ballot access for Milwaukee's mayoral election, that its staff conducted

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Meagan Wolfe

a facial review of those signatures, that the review was conducted in the same manner as for other candidates, and that it verified 1,424 of the signatures, which was below the ballot access threshold of 1,500. The Response then alleges that staff of the City of Milwaukee Elections Commission contacted the Complainant on January 11, and that the Complainant that day met with the Executive Director Claire Woodall-Vogg to discuss the submitted signatures and the determinations made by staff members.

The response alleges that it accepted two correcting affidavits from the Complainant and, after reviewing the affidavits, that the Executive Director recommended that 88 of the signatures not initially found valid should be considered valid. The City of Milwaukee Board of Election Commissioners accepted the recommendation and accepted 1,516 of the complainant's signatures as valid and approved ballot access. The Respondent denies the bribery allegation and alleges that it reviewed the Complainant's complaints against other mayoral candidates' nomination papers but found that the complaints did not challenge specific signatures or specific pages and thus failed to meet the burden required of a nomination paper challenge.

The reply alleges that emails submitted as evidence show that the City of Milwaukee Elections Commission required different standards for her nomination papers and that she was not informed about why some of her signatures were rejected or that she had the opportunity to provide correcting affidavits and was merely told to collect more signatures.

Commission Authority and Role in Resolving Complaints Filed Under Wis. Stat. § 5.06

Under Wis. Stat. §§ 5.05(1)(e) and 5.06(6), the Commission is provided with the inherent, general, and specific authority to consider the submissions of the parties to a complaint and to issue findings. In instances where no material facts appear to be in dispute, the Commission may summarily issue a decision and provide that decision to the affected parties. This letter serves as the Commission's final decision regarding the issues raised by Ieshuh Griffin's complaint.

The Commission's role in resolving verified complaints filed under Wis. Stat. § 5.06, which challenge the decisions or actions of local election officials, is to determine whether a local official acted contrary to applicable election laws or abused their discretion in administering applicable election laws.

Commission Findings

There appear to be factual disputes over what communications took place between the Complainant and the Respondent. However, the Commission does not find these disputes material and will address the allegations concerning the Respondent's review of the Complainant's nomination papers. The Commission also notes that there was no evidence provided in the initial complaint, and the emails provided in the reply do not appear to represent the full exchanges that took place.

A filing officer is not bound to accept every piece of information on a nomination paper as valid in the absence of a challenge. Rather, as outlined in Wis. Admin. Code Chapter 2, each filing officer must conduct a facial review of each nomination paper and each signature, and strike those that are facially invalid. A sworn challenge may attempt to present clear and convincing evidence that signatures found facially valid are not valid, and this may lead to signatures being disqualified, but a challenge is not required for a filing officer to strike facially invalid signatures.

EL § 2.05(1) states that "[e]ach candidate for public office has the responsibility to assure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory and other legal requirements." Following this basic responsibility EL § 2.05(3) states that:

The filing officer shall review all nomination papers filed with it, up to the maximum number permitted, to determine the facial sufficiency of the papers filed. Where circumstances and the time for review permit, the filing officer may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a nomination paper.

The Commission provides a number of resources that offer guidance to candidates and filing officers concerning how to properly fill out and collect signatures on nomination papers and how to conduct the facial review. These resources can be found at this link: <https://elections.wi.gov/candidates/nomination-papers>. In particular the Nomination Paper Review Guide (found here: <https://elections.wi.gov/sites/elections/files/2021-12/Nomination%20Paper%20Review%20Guide%20complete.pdf>) shows what a reviewer will examine and when the reviewer will generally strike a signature during the facial review.

None of the filings in this complaint show the exact process the Respondent used to conduct this review or exactly why certain signatures were deemed invalid. The emails provided in the reply do offer some insight that the Respondent had difficulty reading certain information on the nomination papers and that other information may have been missing. Without specific allegations of improperly invalidated signatures, the Commission can only review the basic allegations and responses. The Respondent, apparently using a two-tiered system of an initial staff review and a subsequent Executive Director review, reviewed all signatures and found that some were not facially valid. Nothing provided indicates that the Respondent deviated from the standard review process.

Wis. Admin. Code EL § 2.05(4) states that “[a]ny information which appears on a nomination paper is entitled to a presumption of validity.” In this context, the presumption means that when there is signature information present and that information, if true, would result in a valid signature, that information will be presumed true and the signature counted. Some examples of facially invalid signature information that would lead to a signature not being counted include a missing printed name, illegible printed name, missing address, illegible address, missing signature, date of signature after the date of circulator certification, and an address outside of the relevant jurisdiction. A candidate does not need to prove the validity of each signature, rather, it is the filing officer’s responsibility to strike any insufficient signatures and for challengers to follow Wis. Admin. Code EL § 2.07 to level specific arguments and provide “clear and convincing” evidence that information on a nomination paper is invalid.

All parties seem to agree that the Complainant submitted at least two correcting affidavits as allowed by Wis. Admin. Code EL § 2.05(4). After receiving these affidavits, it appears that the Respondent had enough information to determine the validity of 88 of the signatures initially found invalid. Since the Commission does not have any information about the signatures or the correcting affidavits, all it can say is that candidates are allowed to submit correcting affidavits within three calendar days of the deadline for submitting nomination papers. If an affidavit corrects an error that allows the filing officer to determine that a signature is valid, that signature should then be counted. It appears from the response that the Complainant “provided corrective information regarding issues with dates and addresses that had previously resulted in signature disqualifications,” and that the filing officer then determined those signatures were valid, which resulted in the Complainant having enough valid signatures and gaining ballot access.

Overall, the Commission does not find probable cause that the City of Milwaukee Elections Commission failed to abide by the standard nomination paper process. The Respondent struck some signatures as facially invalid, accepted two correcting affidavits within the given time period, and found that the affidavits supplied the information needed to validate 88 signatures. How this information was communicated to the Complainant

is not clear, but it is clear that the Complainant knew to submit correcting affidavits and supplied relevant information in those affidavits. There is no evidence corroborating the Complainant's claim that the Respondent intentionally treated the Complainant differently than other candidates or withheld information. Further, there is no evidence whatsoever that the Respondent accepted bribes, and the Complainant merely states that she believes the Respondent accepted bribes because the Respondent did not strike any of her opponents' nomination papers on the basis of her challenge. This speculation does not even rise to the level of an allegation, and the Commission will not consider it.

Commission Decision

Based upon the above review and analysis, the Commission does not find probable cause to believe that a violation of law or abuse of discretion has occurred regarding the City of Milwaukee Election Commission's treatment and review of Ieshuh Griffin's nomination papers.

Right to Appeal – Circuit Court

This letter constitutes the Commission's resolution of this complaint. Wis. Stat. § 5.06(2). Pursuant to Wis. Stat. § 5.06(8), any aggrieved party may appeal this decision to circuit court no later than 30 days after the issuance of this decision.

If any of the parties should have questions about this letter or the Commission's decision, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Meagan L.M. Wolfe". The signature is written in a cursive, flowing style.

Meagan Wolfe
Wisconsin Elections Commission Administrator

cc: Commission Members